



1133279-0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kutryk et al.
Serial No. : 09/808,867
Filed : March 15, 2001
For : MEDICAL DEVICE WITH COATING THAT PROMOTES CELL
ADHERENCE
Examiner : Urmi Chattopadhyay
Group Art Unit : 3738

Certificate of Mailing under 37 C.F.R. § 1.8	
I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to: Assistant Commissioner for Patent, Box 1450, Alexandria, VA 22313-1450	
<u>Andrew Fessak</u>	<u>48,528</u>
Agent Name	PTO Reg. No.
<u>Andrew Fessak</u>	<u>2/13/04</u>
Signature	Date of Signature

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FEB 24 2004

**Assistant Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450**

TECHNOLOGY CENTER R3700

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)(3)**

Sir:

Applicants submit this communication and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the Form PTO-1449 is enclosed as part of this communication.

REMARKS

In the Office Action mailed July 16, 2003, the Examiner alleged that Applicants' Information Disclosure Statements ("IDSs") filed October 25, 2001 and November 7, 2001 failed to comply with 37 C.F.R. § 1.98(a)(2). Specifically, the Examiner alleged that Applicants did not provide copies of the following documents with the cited IDSs: (1) Harrison's Principles of Internal Medicine, 14th Edition, 1998; (2) Biological Aspects of Fullerenes, by Stephen R. Wilson; and (3) Jaffe E.A, in Biology of Endothelial Cells. The Examiner also stated that a copy of Jaffe, "Cell Biology of Endothelial Cells", in Human Pathology, March 1997, was included with the IDS but not listed on the Form PTO-1449.

Accordingly, Applicants provide the following documents for the Examiner's consideration:

1. Harrison's Principles of Internal Medicine, 14th Edition, 1998, pages 1287 and 1375-1380. This publication is cited in the specification at page 2, lines 3 and 20. Page 1287 discusses the number of patients who suffer from heart failure in the U.S. Pages 1375-1380 describe the state of the art regarding coronary angioplasty and other therapeutic applications of cardiac catheterization and the treatment of patients suffering from restenosis with various pharmacological agents or mechanically holding the artery open with stents.
2. Stephen R. Wilson, Biological Aspects of Fullerenes, Fullerenes: Chemistry, Physics and Technology. Kadish et al. eds., John Wiley & Sons, NY 2000, pages 437-465. This publication is cited in the specification at page 18, lines 17-19. Pages 437-465, included with this IDS, provide a general discussion of biological aspects of fullerenes.
3. Jaffe, E. A., in Biology of Endothelial Cells, E. A. Jaffe, ed., Martinus-Nijhoff, The Hague, 1984., table of contents. This publication is cited in the specification at page 25, line 8 as providing a method of preparation of human umbilical vein endothelial cells (HUVEC).

Applicants submit that the submission of the above-cited pages of these documents satisfies their duty of disclosure before the PTO. As demonstrated above, the respective

disclosure of these documents is directed to the general state of the art. Thus, the Examiner is in an informed position to consider the materiality of the documents to the claimed invention.

Applicants have listed Jaffe, E.A., "Cell Biology of Endothelial Cells", in Human Pathology, March 1987 on attached Form PTO-1449. As a copy of this document was submitted under cover of one of Applicants' previously-submitted IDSs and made of record by the Examiner in the Office Action mailed July 16, 2003, Applicants are not submitting another copy of this document with this IDS.

As part of this communication, Applicants are providing a copy of WO 00/44357, published in the German language. An English-language abstract of the disclosure appears on the first page of this document.

TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed after three months of the filing date of this national application or the entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either:

- (1) a final action under §1.113 or
- (2) a notice of allowance under §1.311,

whichever occurs first.

STATEMENT OR FEE

Accompanying this Information Disclosure Statement is

A. ☐ a statement as specified in 37 C.F.R. §1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

METHOD OF PAYMENT OF FEE

☐ Attached is a check in the amount of \$ _____.

☒ Charge Account No. 23-1703 in the amount of \$ 180.00.

Authorization is given to the Assistant Commissioner to charge Deposit Account No. 23-703 for any additional fee which may be due in connection with this communication.

Dated: Feb. 13, 2004

Respectfully submitted,

Andrew Fessak

Andrew Fessak

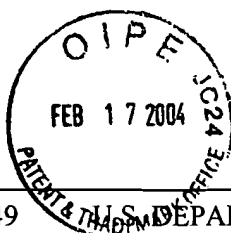
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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1133279-0003	Serial No. 09/808,867
		Applicant: Kutryk et al.	
		Filing Date: March 15, 2001	Group: 3739

UNITED STATES PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date, if Appropriate

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FOREIGN PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Country	Class	Sub-Class	Translation Yes No
	0 0 4 4 3 5 7	3/2000	WO			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Harrison's Principles of Internal Medicine, 14 th Edition, 1998, pages 1287 and 1375-1380
	Stephen R. Wilson, Biological Aspects of Fullerenes; Fullerenes: Chemistry, Physics and Technology. Kadish et al. eds., John Wiley & Sons, NY, 2000, pages 437-465
	Jaffe, E. A., in Biology of Endothelial Cells, E. A. Jaffe, ed.; Martinus-Nijhoff, The Hague, 1984, table of contents.
	Jaffe, E.A., "Cell Biology of Endothelial Cells", in Human Pathology, Vol. 18, No. 3, March 1987

Examiner:

Date Considered:

*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.